

REMARKS

Entry of the foregoing, and reconsideration and further examination of the subject application, in light of the amendments above and the remarks below, are respectfully requested.

Status of Claims

By the above amendments, claims 1, 3-5, 7-14, 18-29, and 30-33 have been amended. Claims 2 and 34-67 have been canceled. And new claims 68-72 have been added.

Independent claims 1, 5, 14, and 28 have been amended to be directed to a polymer blend comprising polyester and polycarbonate. In addition, claims 1, 5, and 14 have been amended to include the phosphorus-containing compounds of original claim 2, except aryl has been deleted from the definition of R₁, R₂, and R₃.

The remaining amendments to the claims are editorial in nature.

Claims 2 and 34-67 have been canceled.

The subject matter of new claims 68-71 is based on original claim 47.

Finally, claim 72 has been added to provide coverage for an aspect of the invention illustrated by Examples 15-17. These examples show that using separate concentrates for the phosphorus-containing compound and the HALS can provide better color. None of the applied references discloses or suggests that the method of blending phosphorus-containing compounds and HALS can improve the color of the resulting blend. Therefore, claim 72 is patentable over the applied references.

Upon entry of the foregoing amendments, claims 1, 3-33, and 68-72 will be pending in the application. Each of these claims is under consideration.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 34, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Pierre (US 2003/0109629 A1), Agniel (US 2002/0045022 A1), or Opalko (US 6,469,083 B1). Claims 2 and 34-35 have been canceled. Therefore, the rejection is moot as to those claims. For the following reasons, the rejection should be withdrawn against claim 1, as amended.

Pierre

Pierre does not disclose or suggest each feature of amended claim 1. For example, Pierre does not disclose or suggest a polyester/polycarbonate blend that has a phosphorus-containing compound as defined in amended claim 1. In this regard, Applicants note the Examiner's reference to Irgaphos 168 and Sansostab P-EPQ. Both of these compounds, however, have a substituted phenyl ring on the phosphite oxygens. Amended claim 1 excludes aryl from the definition of R₁, R₂, and R₃. Therefore, the examples of Pierre containing either Irgaphos 168 or Sansostab P-EPQ do not anticipate claim 1, as amended.

Agniel and Opalko

Neither of these references discloses or suggests each feature of amended claim 1. For example, neither reference discloses or suggests a polyester/polycarbonate blend. In fact, neither reference mentions polycarbonate whatsoever. Therefore, neither Agniel nor Opalko anticipates amended claim 1.

Claims 1, 2, 34, and 35 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Panandiker (US 6,284,845 B1), Aylward (US 6,187,523 B1), Hudson (US 6,077,890), Webster (US 5,965,261), Pfaendner (US 5,859,073), Golder (US 5,032,631), Funasaki (US 4,956,407), or Morris (US 4,525,504). Claims 2 and 34-35 have been canceled. Therefore, the rejection is moot as to those claims. For the following reasons, the rejection should be withdrawn against claim 1, as amended.

Panandiker, Aylward, Webster, Golder, and Morris

These references do not disclose or suggest each feature of amended claim 1. For example, none of them discloses or suggests a polyester/polycarbonate blend. In fact, none of them mentions polycarbonate whatsoever. Therefore, none of these references anticipates amended claim 1.

Hudson and Funasaki

Hudson and Funasaki do not disclose or suggest each feature of amended claim 1. For example, neither document discloses or suggests using a phosphorus-containing compound as defined in amended claim 1. In this regard, the phosphites disclosed in Hudson and Funasaki all contain a substituted phenyl ring on the phosphite oxygens. See cols. 8-9 of Hudson and col. 2 of Funasaki. Amended claim 1, on the other hand, excludes aryl from the definition of R₁, R₂, and R₃. Therefore, Hudson does not anticipate amended claim 1.

Pfaendner

Pfaendner does not disclose or suggest each feature of amended claim 1. For example, Pfaendner does not specifically disclose a polyester/polycarbonate blend comprising both a HALS and a phosphorus-containing compound as defined in claim 1. HALS's are mentioned among a long list of possible stabilizers without any specific disclosure or suggestion to include a HALS among the many stabilizers mentioned. See col. 20, line 14 - col. 25, line 23. Therefore, Pfaendner does not anticipate amended claim 1.

Claim Rejection – 35 U.S.C. § 103

Claims 1-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pierre, Agniel, Opalko, Panandiker, Aylward, Hudson, Webster, Pfaendner, Golder, Funasaki, or Morris in view of Moskala (US 6,551,688 B2), Jeon (US 6,342,579 B2), Keep (US 6,277,905 B1), Jones (US 6,103,857), Cobb (US 6,100,320), Cornell (US 6,054,551), Minnick (US 5,919,848), Dickerson (US 5,656,715), Carico (US 4,972,015), Light (US 4,578,437), or Jackson (US 4,287,325). For the following reasons, this rejection should be withdrawn.

As discussed in the preceding section, the primary references are deficient in a number of respects. For example, the primary references do not disclose or suggest polyester/polycarbonate blends, or they don't disclose or suggest using a phosphorus-containing compound as recited in amended claim 1, or they don't specifically disclose

or suggest polyester/polycarbonate blends comprising a combination of HALS and a phosphorus-containing compound as recited in claim 1.

The secondary references do not remedy the deficiencies of the primary references. In this regard, Applicants note that the secondary references were only cited to "prove that polyesters having all kind [sic] of inherent viscosities, containing all kind [sic] of diacid and glycol residues, have been made before and they are well known." Thus, even if their combination with the primary references were proper, the hypothesized combination would still not have led persons skilled in the art to arrive at the claimed invention.

Accordingly, there is no *prima facie* case of obviousness, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

Applicants believe that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to enter the above amendments, withdraw the rejections, and pass the application to issuance.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6333
FAX: (423) 229-1239

B. J. Boshears
B. J. Boshears
Registration No. 33,864
July 17, 2006
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Kristi L. Dunshee
Kristi L. Dunshee

7-20-06
Date